

### **REMARKS/ARGUMENTS**

Applicant thanks Examiner for the telephonic interview of June 9, 2005, and for Examiner's time and consideration of Applicant's position.

Claims 1-57 and 59-62 are pending in this application. Claims 1-48, 51-57, and 59-62 have been rejected, and claims 49 and 50 have been withdrawn. Claims 1, 6, 7, 18, 39, 41, 42, 56, and 59 have been amended, and such amendments are fully supported by the specification. Claim 58 was previously canceled. For at least the reasons stated below, Applicant asserts that all claims are in condition for allowance.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-10, 12, 16, 18-27, 29-31, 33, and 56-57, and 59-62 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Brisebois* (U.S. Patent No. 6,330,550). For at least the reasons below, the cited reference fails to teach each and every element of every claim as required by MPEP § 2131. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

As reflected in the Interview Summary mailed June 15, 2005, Applicant and Examiner discussed *inter alia* the claim limitation "authorization agent"—which appears in each independent claim—in the telephone interview of June 9, 2005. Specifically, Examiner noted substantially that "if Applicant included an amendment to claim 1 that clearly set forth that the 'authorization agent' is the original credit card issuer, then the rejection based on Brisebois would likely be withdrawn." Interview Summary. Applicant has amended the independent claims herein, and accordingly, Applicants respectfully request withdrawal of this rejection.

(a) ***Brisebois* Fails to Describe Sending an Authentication Request from an Authorization Agent that is a Card-Issuing Bank, a Credit Card Company, or an Agent Thereof**

Claims 1, 39, and 41 as amended recite an authorization agent, "wherein the authorization agent is a bank that issued the credit card to the user [or authorized entity], a credit card company, or an agent of the bank or the credit card company." As set forth below, the reference fails to teach this limitation as required by MPEP § 2131. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

*Brisebois* fails to disclose sending a request to an authorization agent that is the card-issuing bank, a credit card company, or an agent thereof. Rather, the reference discloses profile server 110 and further disclosed an online merchant's server 120/220 informing the profile server 110 of a user's purchase. Col. 5, lines 7-10. However, nowhere does *Brisebois* disclose that the profile server 110 is the card-issuing bank, a credit card company, or an agent thereof as claimed. Indeed, nowhere does the reference even mention an entity that is (1) a card-issuing bank, (2) a credit card company, or (3) an entity in an agency relationship with a card-issuing bank or a credit card company.

Independent claims 18, 42, 56, and 59 have been similarly amended. For at least these reasons, Applicant respectfully asserts that *Brisebois* fails to meet the standard of MPEP § 2131: "The identical invention must be shown in as complete detail as is contained in the ... claim." (emphasis added). For at least the foregoing reasons, claims 1-10, 12, 16, 18-27, 29-31, 33, and 56-57, and 59-62 are in condition for allowance.

(b) *Brisebois* Fails to Describe a Credit Card Transaction in which the Payee Receives a Credit Card Number During the Transaction Initiation

Claim 6 as amended further recites a credit card transaction in which "the step of initiating the transaction includes transmitting a credit card number to a payee of the transaction." *Brisebois* fails to disclose this limitation. In *Brisebois*, the credit card number is initially provided to the profile database 140 of the profile server 110, not to a payee. Col. 3, lines 28-39. See also Office Action (5/6/2005), p. 9 (where Examiner agrees that "a user transmits credit card number information to the authorization agent (profile server 110) at the time the user initiates service (see column 3, 29-40).") To initiate a transaction in the system of *Brisebois*, the user subsequently provides an online merchant 120/220 with an identification code, which is specifically not a credit card number; the online merchant (payee) clearly does not receive a credit card number as part of initiating a particular transaction. Col. 4, line 37-Col. 5, line 20. In one embodiment of *Brisebois*, profile server 110 sends a credit card number to online merchant 120/220, col. 5, lines 50-54. However, this action plainly takes place well after the transaction is initiated. Id.

For this additional reason, Applicant respectfully requests that this rejection be withdrawn.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

Claims 11, 13-15, 17, 28, 32, 34-48, and 51-55 have been rejected under 35 U.S.C. § 103 as being anticipated by *Brisebois* in view of various patent references. These references fail to teach or suggest all of the claim limitations as required by MPEP § 2143, and therefore Applicant respectfully request that the rejection be withdrawn.

As to claims 11, 13-15, 17, 28, 32, and 34-38, these claims variously depend from independent claims 1 and 18. Accordingly, claims 11, 13-15, 17, 28, 32, and 34-38 are allowable as being dependent from claims 1 and 18 for the reasons set forth above.

As to claims 39-48 and 51-55, these claims are also allowable based on the foregoing arguments. Specifically, independent claim 39 is rejected under 35 U.S.C. § 103 as being anticipated by *Brisebois* in view of *Elston* (U.S. Patent No. 6,055,505), claim 42 is rejected under 35 U.S.C. § 103 as being anticipated by *Brisebois* in view of *Vance* (U.S. Patent No. 6,442,526), and claim 41 is rejected under 35 U.S.C. § 103 as being anticipated by *Brisebois* in view of *Elston* and *Vance*.

As described above, *Brisebois* fails to teach or suggest at least the claimed “authorization agent” as claimed. The additional references of *Elston* and *Vance* also fail to teach or suggest these limitations. Accordingly, claims 39-48 and 51-55 are allowable.

**CONCLUSION**

This application now stands in allowable form and reconsideration and allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-492-6694.

Respectfully submitted,

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